

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA MOBILITY,
LLC, and GENERAL INSTRUMENT
CORPORATION,

Defendant.

NO. C10-1823-JLR

[PROPOSED] ORDER GRANTING
INTERNATIONAL BUSINESS
MACHINES CORPORATION'S MOTION
TO SEAL

This matter having come on regularly before the above-entitled Court on Nonparty International Business Machines Corporation's ("IBM") Motion to Seal, and the Court having considered the motion papers and the records on file herein,

And the Court, being fully advised in the premises, now, therefore, it is hereby ORDERED, ADJUDGED and DECREED that IBM's Motion is GRANTED as follows:

1. IBM has established that compelling reasons exist for sealing the payment terms associated with the 2011 license agreement and the term of that agreement (the duration) because they are confidential and trade secret information. IBM has done nothing to put that information at issue in this case where it is not a party. The parties and witnesses shall redact and seal the portion of any exhibits or demonstratives which reference the payment terms and/or duration term of the IBM license

- 1 agreement(s.) If the license agreement itself is offered, it should be redacted and
2 sealed in respect to these parts. If it is to be used, a proposed redacted copy of the
3 license will be submitted by the parties with the concurrence of IBM.
4
5 2. The courtroom is to be cleared and closed when argument on this topic, testimony on
6 this topic, or these exhibits are discussed.
7
8 3. If IBM license agreements in addition to the 2011 agreement are planned to be raised
9 by the parties, the parties are to notify IBM immediately so that it can seek to
10 seal/redact confidential payment and duration terms from these other agreements.
11
12 DATED this _____ day of November, 2012.

13 _____
14 Honorable James L. Robart
15 United States District Court Judge

16 Presented by:

17 BYRNES KELLER CROMWELL LLP

18 By /s/ John A. Tondini
19 Bradley S. Keller, WSBA #10665
20 John A. Tondini, WSBA #19092
21 1000 Second Avenue, 38th Floor
22 Seattle, Washington 98104
23 Telephone: 206.622.2000
24 Facsimile: 206.622.2522
25 bkeller@byrneskeller.com
26 jtondini@byrneskeller.com

*Attorneys for Nonparty
International Business Machines Corp.*

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 29th day of October, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel on record in the matter.

/s/ John A. Tondini

Byrnes Keller Cromwell LLP
1000 Second Avenue, 38th Floor
Seattle, WA 98104
Telephone: (206) 622-2000
Facsimile: (206) 622-2522
jtondini@byrneskeller.com